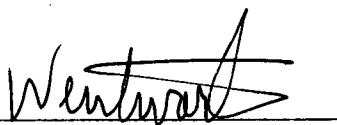


SECOND CALLED SESSION

By



H. B. No. 30

A BILL TO BE ENTITLED

AN ACT

relating to the inclusion of the services of certain audiologists, speech-language pathologists, and fitters and dispensers of hearing aids in health insurance coverage.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (B), Section 2, Chapter 397, Acts of the 54th Legislature, 1955 (Article 3.70-2, Vernon's Texas Insurance Code), is amended to read as follows:

(B) No policy of accident and sickness insurance shall make benefits contingent upon treatment or examination by a particular practitioner or by particular practitioners of the healing arts hereinafter designated unless such policy contains a provision designating the practitioner or practitioners who will be recognized by the insurer and those who will not be recognized by the insurer. Such provision may be located in the "Exceptions" or "Exceptions and Reductions" provisions, or elsewhere in the policy, or by endorsement attached to the policy, at the insurer's option. In designating the practitioners who will and will not be recognized, such provision shall use the following terms: Doctor of Medicine, Doctor of Osteopathy, Doctor of Dentistry, Doctor of Chiropractic, Doctor of Optometry, Doctor of Podiatry, Audiologist, Speech-language Pathologist, Doctor in Psychology, Certified Social Worker--Advanced Clinical Practitioner, Licensed Dietitian, [and] Licensed Professional Counselor, and Licensed Hearing Aid Fitter

1 and Dispenser.

2 For purposes of this Act, such designations shall have the
3 following meanings:

4 Doctor of Medicine: One licensed by the Texas State Board of
5 Medical Examiners on the basis of the degree "Doctor of Medicine";

6 Doctor of Osteopathy: One licensed by the Texas State Board
7 of Medical Examiners on the basis of the degree of "Doctor of
8 Osteopathy";

9 Doctor of Dentistry: One licensed by the State Board of
10 Dental Examiners;

11 Doctor of Chiropractic: One licensed by the Texas Board of
12 Chiropractic Examiners;

13 Doctor of Optometry: One licensed by the Texas Optometry
14 Board;

15 Doctor of Podiatry: One licensed by the State Board of
16 Podiatry Examiners;

17 Audiologist: One with a master's or doctorate degree in
18 audiology from an accredited college or university and who is
19 licensed by the State Committee of Examiners for Speech-Language
20 Pathology and Audiology [~~certified-by-the-American-Speech-language~~
21 ~~and-Hearing-Association~~];

22 Speech-language Pathologist: One with a master's or
23 doctorate degree in speech pathology or speech-language pathology
24 from an accredited college or university and who is licensed by the
25 State Committee of Examiners for Speech-Language Pathology and
26 Audiology [~~certified--by--the-American-Speech-language-and-Hearing~~
27 ~~Association~~];

1 Doctor in Psychology: One licensed by the Texas State Board
2 of Examiners of Psychologists and certified as a Health Service
3 Provider;

4 Certified Social Worker--Advanced Clinical Practitioner: One
5 certified by the Texas Department of Human Services as a Certified
6 Social Worker with the order of recognition of Advanced Clinical
7 Practitioner;

8 Licensed Dietitian: One licensed by the Texas State Board of
9 Examiners of Dietitians; [and]

10 Licensed Professional Counselor: One licensed by the Texas
11 State Board of Examiners of Professional Counselors; and

12 Licensed Hearing Aid Fitter and Dispenser: One licensed by
13 the Texas Board of Examiners in the Fitting and Dispensing of
14 Hearing Aids.

15 SECTION 2. Sections 1 and 3, Article 21.52, Insurance Code,
16 are amended to read as follows:

17 Sec. 1. DEFINITIONS. As used in this article:

18 (a) "health insurance policy" means any individual, group,
19 blanket, or franchise insurance policy, insurance agreement, or
20 group hospital service contract, providing benefits for medical or
21 surgical expenses incurred as a result of an accident or sickness;

22 (b) "doctor of podiatric medicine" includes D.P.M.,
23 podiatrist, doctor of surgical chiropody, D.S.C. and chiropodist;

24 (c) "doctor of optometry" includes optometrist, doctor of
25 optometry, and O.D.;

26 (d) "doctor of chiropractic" means a person who is licensed
27 by the Texas Board of Chiropractic Examiners to practice

1 chiropractic;

2 (e) "licensed dentist" means a person who is licensed to
3 practice dentistry by the State Board of Dental Examiners;

4 (f) "audiologist" means a person who has received a master's
5 or doctorate degree in audiology from an accredited college or
6 university and is licensed by the State Committee of Examiners for
7 Speech-Language Pathology and Audiology [~~certified-by-the--American~~
8 ~~Speech-language-and-Hearing-Association~~];

9 (g) "speech-language pathologist" means a person who has
10 received a master's or doctorate degree in speech-language
11 pathology from an accredited college or university and is licensed
12 by the State Committee of Examiners for Speech-Language Pathology
13 and Audiology [~~certified--by--the--American--Speech-language--and~~
14 ~~Hearing-Association-to-restore-speech--loss--or--correct--a--speech~~
15 ~~impairment~~];

16 (h) "certified social worker--advanced clinical
17 practitioner" means a person who is certified by the Texas
18 Department of Human Services as a certified social worker with the
19 order of recognition of advanced clinical practitioner;

20 (i) "licensed dietitian" means a person who is licensed by
21 the Texas State Board of Examiners of Dietitians; [and]

22 (j) "licensed professional counselor" means a person who is
23 licensed by the Texas State Board of Examiners of Professional
24 Counselors; and

25 (k) "licensed hearing aid fitter and dispenser" means a
26 person who is licensed by the Texas Board of Examiners in the
27 Fitting and Dispensing of Hearing Aids.

1 Sec. 3. SELECTION OF PRACTITIONERS. Any person who is
2 issued, who is a party to, or who is a beneficiary under any health
3 insurance policy delivered, renewed, or issued for delivery in this
4 state by any insurance company, association, or organization to
5 which this article applies may select a licensed doctor of
6 podiatric medicine, a licensed dentist, or a doctor of chiropractic
7 to perform the medical or surgical services or procedures scheduled
8 in the policy which fall within the scope of the license of that
9 practitioner, a licensed doctor of optometry to perform the
10 services or procedures scheduled in the policy which fall within
11 the scope of the license of that doctor of optometry, a licensed
12 ~~[an]~~ audiologist to measure hearing for the purpose of determining
13 the presence or extent of a hearing loss and to provide aural
14 rehabilitation services to a person with a hearing loss if those
15 services or procedures are scheduled in the policy, a licensed
16 speech-language pathologist to evaluate speech and language and to
17 provide habilitative and rehabilitative services to restore speech
18 or language loss or to correct a speech or language impairment if
19 those services or procedures are scheduled in the policy, a
20 certified social worker--advanced clinical practitioner to provide
21 the services that fall within the scope of the license of such
22 certified practitioner and which are specified as services within
23 the terms of the policy of insurance, including the provision of
24 direct, diagnostic, preventive, or clinical services to
25 individuals, families, and groups whose functioning is threatened
26 or affected by social or psychological stress or health impairment,
27 if those services or procedures are scheduled in the policy, a

1 licensed dietitian including a provisional licensed dietitian under
2 a licensed dietitian's supervision to provide the services that
3 fall within the scope of the license of that dietitian if those
4 services are scheduled in the policy, [ex] a licensed professional
5 counselor to provide the services that fall within the scope of the
6 license of that professional if those services are scheduled in the
7 policy, or a licensed hearing aid fitter and dispenser to perform
8 the services or procedures scheduled in the policy that fall within
9 the scope of the license of that practitioner. The services of a
10 certified social worker--advanced clinical practitioner, [ex]
11 licensed professional counselor, or licensed hearing aid fitter and
12 dispenser that are included in this Act may require a professional
13 recommendation by a doctor of medicine or doctor of osteopathy
14 unless the health insurance policy terms do not require such a
15 recommendation. The payment or reimbursement by the insurance
16 company, association, or organization for those services or
17 procedures in accordance with the payment schedule or the payment
18 provisions in the policy shall not be denied because the same were
19 performed by a licensed doctor of podiatric medicine, a licensed
20 doctor of optometry, a licensed doctor of chiropractic, a licensed
21 dentist, a licensed [am] audiologist, a licensed speech-language
22 pathologist, a certified social worker--advanced clinical
23 practitioner, a licensed dietitian, [ex] a licensed professional
24 counselor, or a licensed hearing aid fitter and dispenser. There
25 shall not be any classification, differentiation, or other
26 discrimination in the payment schedule or the payment provisions in
27 a health insurance policy, nor in the amount or manner of payment

1 or reimbursement thereunder, between scheduled services or
2 procedures when performed by a doctor of podiatric medicine, a
3 doctor of optometry, a doctor of chiropractic, a licensed dentist,
4 a licensed [am] audiologist, a licensed speech-language
5 pathologist, a certified social worker--advanced clinical
6 practitioner, a licensed dietitian, [ex] a licensed professional
7 counselor, or a licensed hearing aid fitter and dispenser which
8 fall within the scope of his license or certification and the same
9 services or procedures when performed by any other practitioner of
10 the healing arts whose services or procedures are covered by the
11 policy. Any provision in a health insurance policy contrary to or
12 in conflict with the provisions of this article shall, to the
13 extent of the conflict, be void, but such invalidity shall not
14 affect the validity of the other provisions of this policy. Any
15 presently approved policy form containing any provision in conflict
16 with the requirements of this Act shall be brought into compliance
17 with this Act by the use of riders and endorsements which have been
18 approved by the State Board of Insurance or by the filing of new or
19 revised policy forms for approval by the State Board of Insurance.

20 SECTION 3. This Act takes effect April 1, 1990, and applies
21 only to a health insurance policy that is delivered, issued for
22 delivery, or renewed on or after August 1, 1990. A health
23 insurance policy that is delivered, issued for delivery, or renewed
24 before April 1, 1990, is governed by the law that existed at the
25 time that the policy was delivered, issued for delivery, or
26 renewed, and that law is continued in effect for that purpose. A
27 health insurance policy that is delivered, issued for delivery, or

renewed after March 31, 1990, but before August 1, 1990, is governed by the law that existed immediately before the effective date of this Act and that law is continued in effect for that purpose.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

H. B. No. 30

By Wentworth

A BILL TO BE ENTITLED

AN ACT

relating to the inclusion of the services of certain audiologists, speech-language pathologists, and fitters and dispensers of hearing aids in health insurance coverage.

NOV 10 1989

NOV 21 1989

1. Filed with the Chief Clerk.

2. Read first time and Referred to Committee on

Insurance

3. Reported ___ favorably (as amended) and sent to Printer at ___
(as substituted)

4. Printed and distributed at ___

5. Sent to Committee on Calendars at ___

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)
(Record Vote of ___ yeas, ___ nays, ___
present, not voting).

7. Motion to reconsider and table the vote by which H.B. ___ was ordered
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of ___ yeas,
___ nays, and ___ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed
to suspend) by a four-fifths vote of ___ yeas, ___ nays, and ___
present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote
of ___ yeas, ___ nays, ___ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. ___ was finally passed
prevailed (failed) by a (Non-Record Vote) (Record Vote of ___ yeas, ___
nays, and ___ present, not voting).

12. Ordered Engrossed at ___

13. Engrossed.

14. Returned to Chief Clerk at ___

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on ___

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read
first time.

20. Ordered not printed.

21. Regular order of business suspended by
(a viva voce vote.)
(___ yeas, ___ nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments.)
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments)
(Substitute) by a (Non-Record
Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____